

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

MARK C. MULLERVY,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:22-cv-00174-SGC
)	
CAH HOLDINGS, INC.,)	
)	
Defendant.)	
)	
)	
CAH HOLDINGS, INC., <i>et al.</i> ,)	
)	
Counter-Plaintiffs,)	
)	
v.)	
)	
MARK C. MULLERVY,)	
)	
Counter-Defendant.)	

SCHEDULING ORDER

This order is entered under Fed. R. Civ. P. 16(b) based on the parties' report of a planning meeting. This order governs further proceedings in this action unless modified for good cause shown.

1. **Pleadings and Parties:** No causes of action, defenses, or parties may be added after July 29, 2022. Unless the party's pleading may be amended as a matter of course pursuant to Fed. R. Civ. P. 15(a), the party must file a Motion for Leave to Amend. Such Motion for Leave to Amend shall state, specifically, those matters the party wishes to add or delete and shall contain, attached as an exhibit, the complete and executed Amended Complaint or Amended Answer, which is suitable for filing. The Motion for Leave to Amend, with the attached amended pleading, shall be served in accordance with Fed. R. Civ. P. 5.

2. **Dispositive Motions:** All potentially dispositive motions must be filed no later than October 31, 2022.¹

3. **Expert Testimony:** Unless modified by stipulation of the parties, the disclosures of expert witnesses--including a complete report under Fed. R. Civ. P. 26(a)(2)(B) from any specially retained or employed expert--are due:

From plaintiff: by June 30, 2022

From defendant: by July 29, 2022

4. **Discovery limitations and cutoff:**

(a) Unless modified by stipulation of the parties:

Depositions: Maximum of 10 by each party.

Interrogatories: Maximum of 25 by any party directed to any other party.

Requests for Production: Maximum of 25 by any party directed to any other party.

Requests for Admission: Maximum of 10 by any party directed to any other party.

(b) Unless modified by court order for good cause shown:

Supplementation: Supplementation of disclosures and discovery under Fed. R. Civ. P. 26(e) is due within a reasonable period of time after discovery of such information, but all such supplementation shall be provided by August 29, 2022.

Deadline: All discovery must be commenced in time to be completed by September 28, 2022.

Privileged Material: Pursuant to Fed. R. Evid. 502(b) and (d), the inadvertent disclosure of any privileged communication, information, document, or ESI shall not operate as a waiver of the privilege in this or any other proceeding

¹ The parties are directed to refer to the Initial Order entered in this action for specific briefing and submission requirements for dispositive motions.

to the extent the producing party complies with the requirements of Fed. R. Evid. 502(b) and Fed. R. Civ. P. 26(b)(5)(B).²

5. **Additional conferences:** The parties shall conduct an in-person settlement conference no later than thirty (30) days prior to the close of discovery. Within five (5) days of this conference, counsel shall separately and confidentially send an email to chambers at cornelius_chambers@alnd.uscourts.gov, stating only whether a settlement was reached and, if not, whether the parties are amenable to mediation. A pretrial conference will be scheduled in a separate order after the deadline for dispositive motions.
6. **Final lists:** The court will establish deadlines for the exchange and filing of final witness and exhibit lists and objections under Fed. R. Civ. P. 26(a)(3) at the pretrial conference.
7. **Trial:** The parties shall be ready for trial, to be scheduled by separate order, by February 6, 2023.
8. **Other Agreements Incorporated:** The report of parties (Doc. 42) may memorialize agreements not reflected here. This order incorporates any such agreements to the extent they do not conflict with the express terms of this order or any other order in this case.

DONE and **ORDERED** this 27th day of July, 2022.


STACI G. CORNELIUS
U.S. MAGISTRATE JUDGE

² Before filing a motion regarding a discovery dispute, a party must comply with the discovery dispute resolution procedure outlined in the Initial Order entered in this action. After conferring in person or via telephone pursuant to that procedure, but before a motion regarding a discovery dispute is filed, the parties may request a conference with the court, if they believe a conference may resolve their dispute without resort to a motion.